

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CR. NO. 7:13-cr-00070-1
	§	
JONATHAN CHRISTIAN TREVINO	§	

MOTION FOR DISCOVERY AND INSPECTION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES the Defendant, **JONATHAN CHRISTIAN TREVINO**, by and through his undersigned counsel, and moves this Honorable Court, pursuant to Rule 16 and 16(e) of the Federal Rules of Criminal Procedure and the "due process" clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States, to order the United States Attorney to produce and permit the Defendant to copy or photograph each of the following which are now known or which through due diligence would become known from the investigating officers, or witnesses or persons having knowledge of this case:

1. Any and all written or recorded statements made by or purported to have been made by the above named Defendant, together with the substance of any oral statement which the Government intends to offer in evidence at the trial in the above entitled and numbered cause, including but not limited to any and all documents, instruments or forms of any kind signed or purported to have been signed by the Defendants herein. [Rule 16 (a) (1) (A), F.R.Cr.P]

2. A copy of the Defendant's prior criminal record, if any.

[Rule 16(a) (1) (B), F.R.Cr.P]

3. Any and all tangible objects obtained during the investigation in this case, including, but not limited to, any tangible objects obtained from the Defendant's person or from a co-defendant, if any, or alleged unindicted co-conspirator, if any, or their effects. [Rule 16(a) (1) (C), F.R.Cr.P]

4. Any and all writings, sound tape recordings or video recordings or other tangible objects which the Government may intend to use as evidence in their case in chief at trial and which were obtained from or alleged to belong to or were made of the above named Defendant or any co-defendant, if any, or unindicted co-conspirator, if any. [Rule 16(a) (1) (C), F.R.Cr.P]

5. All other books, papers, documents, sound tape records, video recordings or tangible objects the Government plans to offer in evidence in this case. [Rule 16(a) (1) (C), F.R.Cr.P.]

6. Any and all other books, papers, documents, sound tape recordings, video recordings or tangible objects which the Government relied in returning the indictment against this Defendant or which the Government plans to offer in evidence in this case. [Rule 16(a) (1) (C), F.R.Cr.P.]

7. Any and all statements of the co-defendants, if any, whether written or oral, subsequently reduced to writing, video or tape recorded, or summarized in officer's reports, or copies thereof, within the possession, custody or control of the existence of which is known or by the exercise of due diligence may become

known to the attorneys for the Government.

8. Any and all names and addresses of individual witnesses who the Government intends to call at trial either in its case in chief or a rebuttal witness herein. [Rule 16(a) (1) (C), F.R.Cr.P.]

9. Any and all names and addresses of persons who have knowledge pertaining to this case, or who have been interviewed by the Government or their agents in connection with this case. [Rule 16(a) (1) (C), F.R.Cr.P.]

10. Written statements of all persons who are co-conspirators but not co-defendants who the Government does not plan to call as witnesses and anyone else not named in the indictment which the Government plans to call as a witness.

11. The transcript or testimony of any and all persons who testified before the Grand Jury in this case.

12. Any and all F.B.I. and local arrest and conviction records of all persons the Government plans to call as witnesses. [Rule 16(a) (1) (C), F.R.Cr.P.]

13. The name, identity and whereabouts of any informer who gave information leading to the Defendant's arrest and whether or not said information was paid for by the Government. [Rule 16(a) (1) (C), F.R.Cr.P.]

14. Any and all results of physical or mental examinations. [Rule 16(a) (1) (D), F.R.Cr.P.]

15. Any and all material now known to the Government, or

which may become known, or which through due diligence may be learned from the investigating officers or the witnesses or persons having knowledge of this case, which is exculpatory in nature or favorable to the accused or which may lead to exculpatory or favorable material or which might serve to mitigate punishment, and including any evidence impeaching or contradicting testimony of Government witnesses as well as any instructions to Government witnesses not to speak with or discuss the facts of the case with defense counsel. (Due process clause of the Fifth and Fourteenth Amendments to the Constitution of the United States)

16. The substance of any and all statements or discussions had with any of the co-defendants, if any, unindicted co-conspirators, if any, or witnesses herein or any such persons' counsel indicating a promise or a suggestion of leniency, compensation, assurance not to prosecute, agreement to proceed on only certain counts of an indictment, representations with respect to yet uncharged misconduct, or any benefit accruing to said individuals whatsoever in exchange for their cooperation, assistance or testimony herein.

17. Any and all search warrants, applications for search warrants and affidavits in support thereof which resulted in, or which were designed to result in, searches of property owned, occupied or related to any Defendant herein or any offenses alleged herein.

18. Any and all applications for Title III wiretaps and

affidavits in support thereof which resulted in, or which were designed to result in, electronic surveillance of any conspirator, co-conspirator, Defendant, or related to any Defendant herein or any offenses alleged herein.

WHEREFORE, Defendant, **JONATHAN CHRISTIAN TREVINO**, respectfully moves this Honorable Court to order the production of the above described papers, documents, and information now in the possession of the Government or which through reasonable diligence could be obtained or located, and for such other and further relief as this Honorable Court should deem just and proper.

Respectfully submitted,

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ROBERTO J. YZAGUIRRE
ADMISSIONS I.D. #4049
STATE BAR #22234000
COUNSEL FOR DEFENDANT

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing Defendant's Motion for Discovery and Inspection was on this 13th day of March, 2013, delivered to Mr. James Sturgis, Assistant United States Attorney, McAllen, Texas.

/s/Roberto J. Yzaguirre-----
ROBERTO J. YZAGUIRRE